

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JEFFREY DESKOVIC, :  
 :  
 Plaintiff, : No. 07 Civ. 8150 (KMK)(GAY)

v. :

CITY OF PEEKSKILL, PUTNAM COUNTY, : **AMENDED ORDER**  
WESTCHESTER COUNTY, DAVID LEVINE, : **STAYING PROCEEDINGS**  
THOMAS MCINTYRE, WALTER BROVARSKI, : **AGAINST THE PEEKSKILL**  
EUGENE TUMOLO, JOHN AND JANE DOE : **DEFENDANTS PENDING**  
SUPERVISORS, DANIEL STEPHENS, LOUIS ROH, : **MEDIATION**  
MILLARD HYLAND, PETER INSERO, and LEGAL  
AID SOCIETY OF WESTCHESTER COUNTY, :

Defendants. :

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LINDA McGARR, :  
 :  
 Plaintiff, :

v. :

No. 07 Civ. 9488 (KMK)(GAY)

CITY OF PEEKSKILL, WESTCHESTER COUNTY, :  
DAVID LEVINE, THOMAS MCINTYRE, WALTER :  
BROVARSKI, EUGENE TUMOLO, JOHN AND :  
JANE DOE SUPERVISORS, DANIEL STEPHENS, :  
LOUIS ROH, and MILLARD HYLAND, :

Defendants. :

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CITY OF PEEKSKILL, :

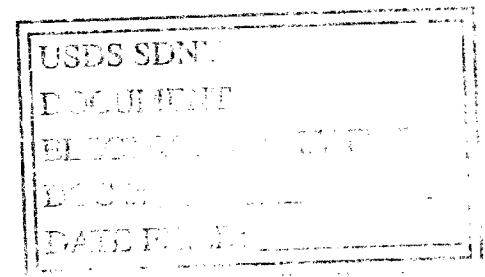
Third-Party Plaintiff, :

vs. :

WESTPORT INSURANCE COMPANY as successor-in- :  
interest to NORTH RIVER INSURANCE COMPANY, :

NORTH RIVER INSURANCE COMPANY, :

Caption continued on next page



TIG INSURANCE COMPANY as a successor-in-interest :  
to INTERNATIONAL INSURANCE COMPANY, :  
: :  
WESTPORT INSURANCE COMPANY as a successor-in- :  
interest to INTERNATIONAL INSURANCE COMPANY, :  
: :  
UNDERWRITERS AT LLOYD'S, LONDON, CX :  
REINUSURANCE COMPANY LIMITED as successor-in- :  
interest to CNA INTERNATIONAL REINSURANCE :  
COMPANY, :  
: :  
CX REINSURANCE COMPANY LIMITED :  
As successor-in-interest to CAN REINSURANCE OF :  
LONDON, LIMITED, :  
: :  
SPHERE DRAKE INSURANCE PLC, :  
: :  
ILLINOIS UNION INSURANCE COMPANY, :  
: :  
UNITED NATIONAL INSURANCE COMPANY, :  
: :  
TRAVELERS INDEMNITY COMPANY as successor-in- :  
interest to GULF INSURANCE COMPANY, :  
: :  
AMERICAN MOTORISTS INSURANCE COMPANY as :  
successor-in-interest to AMERICAN PROTECTION :  
INSURANCE COMPANY, :  
: :  
AMERICAN MOTORISTS INSURANCE COMPANY as :  
successor-in-interest to SPECIALTY NATIONAL :  
INSURANCE COMPANY, :  
: :  
HARCO NATIONAL INSURANCE COMPANY, :  
: :  
ILLINOIS NATIONAL INSURANCE COMPANY, and :  
: :  
MARKEL AMERICAN INSURANCE COMPANY, :  
: :  
Third-Party Defendants. :  
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WHEREAS, by Order dated September 19, 2011 (Docket Entry #368) (the  
“Mediation Order”), this Court ordered the parties -- including the third-party defendants,

but excluding defendants Daniel Stephens and Putnam County -- to attend a mediation to take place at a mutually agreed upon date; and

WHEREAS, the Mediation Order stayed proceedings in the referenced actions against defendants Peekskill, McIntyre, Levine and Tumolo (the "Peekskill Defendants") pending the outcome of the mediation or for a period of two months, whichever event shall occur first; and

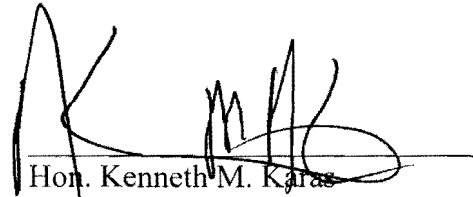
WHEREAS, the Hon. George C. Pratt (ret.) has agreed to conduct the mediation on December 1, 2011, and any subsequent dates necessary to resolve the claims against the Peekskill Defendants, dates which are beyond the maximum two-month stay provided for by the Mediation Order; and

WHEREAS, plaintiffs and the Peekskill Defendants have requested that the stay of the pending actions be extended until December 15, 2011, to allow the mediation to go forward and provide additional time to attempt to arrive at a mutually agreed upon settlement;

NOW, THEREFORE, it is hereby ORDERED that:

The above-captioned actions are hereby stayed as against Defendants Peekskill, Levine, McIntyre and Tumolo until December 15, 2011. At the end of the stay, Plaintiffs shall inform the Court of the result of the mediation, and, if it was not successful, the Court will schedule a conference to address the timing of Plaintiffs' oppositions to the motions for summary judgment filed by Defendants Peekskill, Levine, McIntyre and Tumolo, as well as the replies in further support of said motions.

Dated: White Plains, New York  
October 26, 2011



Hon. Kenneth M. Karas  
United States District Judge